

HB 331 of 3-17-09

BUSINESS &amp; LABOR

EXHIBIT NO. 7

DATE 3-18-09

BILL NO. HB 331

**Montana Code Annotated - 2007**[Previous Section](#) [MCA Contents](#) [Part Contents](#) [Search](#) [Help](#) [Next Section](#)

**50-50-103. Department authorized to adopt rules -- advisory council.** (1) To protect public health, the department may adopt rules relating to the operation of establishments defined in ~~50-50-102~~, including coverage of food, personnel, food equipment and utensils, sanitary facilities and controls, construction and fixtures, and housekeeping.

(2) (a) The department and local health authorities may not adopt rules prohibiting the sale of baked goods and preserves by nonprofit organizations or by persons at farmer's markets.

(b) The department and local health authorities may not require that foods sold pursuant to this subsection (2) be prepared in certified or commercial kitchens.

(3) The department shall use a food safety task force or advisory council to assist in the development of administrative rules or proposed legislation. The task force or advisory council must be composed of equal numbers of representatives of the food establishments and representatives of state and local government. Administrative rules and any legislation to be proposed by the department must be presented to the task force or advisory council prior to its proposal or introduction.

**History:** En. Sec. 10, Ch. 17, L. 1967; amd. Sec. 107, Ch. 349, L. 1974; R.C.M. 1947, 27-620(part); amd. Sec. 2, Ch. 315, L. 1995; amd. Sec. 2, Ch. 528, L. 2003.

Provided by Montana Legislative Services